

BOTHELL POLICE DEPARTMENT

ORIGINAL

Affidavit

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE Case #18-17372.

That Glen Chissus is a Detective with the Bothell Police Department and has reviewed the investigation conducted in Bothell Police Case Number #18-17372.

There is probable cause to believe **Idunn Schneider** DOB 10/5/1973 has committed the crimes of **Perjury-2 RCW 9A.72.030**, **Tampering with Physical Evidence RCW 9A.72.150** and **Making a False Statement to a Public Servant RCW 9A.76.175**.

This belief is predicated on the following facts and circumstances:

On 7/30/2018 Idunn Schneider arrived at the Bothell Police Department to file a report. Officer Jacobsen contacted Schneider in the front lobby of the PD located at 18410 101st AVE NE in the City of Bothell, in King County. Schneider provided a statement to Officer Jacobsen outlining how she had met a man through an online bondage site. Schneider reported they had agreed to meet at his residence in the fall of 2016 for a bondage session, but under certain rules. One of the rules, was no vaginal or oral penetration. Schneider said the man tied her up and vaginally raped her, which was against the mutually agreed-upon rules. Schneider said she did not know the man's name at the time, but recently saw a picture of the Bellevue Police Department Chief (Steven Mylett) online and recognized him as the man who had raped her in 2016.

On the six page written statement provided by Schneider, she signed each page at the bottom, right after the statement, "*I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.*"

I was assigned this investigation and on 8/2/2018 I contacted Schneider by phone with a King County Sexual Assault Resource Center Advocate and a BPD Detective Sergeant as part of the conference phone call. I audio recorded this interaction and during the interview, Schneider confirmed the rape allegations and provided additional information pertinent to the investigation. Towards the end of the interview, Schneider confirmed the statement, "*I declare that the facts stated on this tape are true and correct to the best of my knowledge.*"

On 8/6/2018 Schneider met with two BPD detectives and two King County DPA's at the prosecutor's office and again discussed the allegations.

On 8/7/2018 Schneider came to Bothell PD and provided a pair of underwear she said she had worn the day of the rape in 2016. Schneider said she had stored them after

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the assault and brought them in to allow us to test them for DNA. The underwear was packaged and sent to the Washington State Patrol Crime Lab for analysis. During this contact, Schneider provided another 1½ page statement describing the Bothell residence where the alleged rape occurred. Again, Schneider signed two more times on this statement under, *"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."*

On 8/13/2018 Schneider forwarded two different emails that she claimed were from Steve Mylett. She said she had recently discovered the emails on an old computer. The first email showed Mylett agreed to her rules, which forbid sexual intercourse. That email was dated 11/3/2016 and on 11/12/2016 another email was apparently sent from Mylett providing her with his address in Bothell. Schneider advised the rape occurred at least 1-2 weeks after the 11/12/2016 email, which was between the end of November and the first week of December, 2016.

On or about 8/21/2018 I determined that Mylett was no longer living at the Bothell residence during the end of November, first week of December, 2016. Through interviews with the former landlord, tenants that moved in after Mylett and by reviewing the lease agreement, I discovered Mylett moved out of the Bothell residence on or around 10/14/2016. The new tenants denied any contact with Schneider and the male does not even closely fit the description of Mylett.

On 8/31/2018 I again contacted Schneider in Bellevue in order to obtain her old cell phone, which was the phone she claimed to be using when she was corresponding with Mylett online. Schneider assured me the phone had not been wiped clean. I again discussed the case with her. It was later determined the phone had been wiped clean in 12/2017.

On 9/21/2018 I received the final WSP Lab Report, which showed Mylett was excluded as a donor to one of the four individual sperm fractions located on the underwear.

On 10/10/2018 I received search warrant records from Microsoft regarding both Schneider and Mylett's emails. A search of these records revealed nothing remarkable in Mylett's emails. However, I was unable to locate any contact between Mylett and Schneider in his emails. A search of Schneider's emails showed she had subscribed and purchased two different background search services, numerous burner phone numbers and additional phone lines. Also located were 17 different versions of the two emails sent to BPD on 8/13/2018. The 17 different versions show Schneider altered the dates, times, email addresses and content of the emails before sending the final product to BPD claiming it was evidence.

It was also determined that the internet protocol address from the original email header Schneider sent to BPD was traced to a website that provides email spoofing. Spoofing is a fraudulent or malicious practice in which communication is sent from an unknown source disguised as a source known to the receiver (Technopedia.com definition). It is

clear that Schneider provided BPD with evidence she had manufactured in order to substantiate her claim of rape against Mylett.

I have been unable to contact Schneider in an attempt to obtain a statement from her regarding the information from the Microsoft warrant.

I declare under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 18th day of October, 2018, in Bothell, Washington.



Detective Glen Chissus #0249

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

That Christy Marsalisi is a Detective with the King County Sheriff's Office and has reviewed the investigation conducted in the King County Sheriff's case number is C18053683.

There is probable cause to believe that Idunn Schneider (DOB 10/05/1973) committed the crimes of one count of Malicious Prosecution (9.62.010), one count of False Reporting (RCW 9A.84.040) and one count of Tampering With Physical Evidence (RCW 9A.72.150).

John Michael Kivlin and Idunn Schneider began a dating relationship in September of 2017. Their relationship ended on April 27, 2018. During that time, John Kivlin was an Officer for the Bellevue Police Department.

Idunn Schneider is married to Jason Schneider and they have two children in common. Schneider and Jason reside together at 2548 NE Iverson Lane in the City of Issaquah.

During the course of Kivlin and Schneider's dating relationship, they primarily communicated through text messages. Schneider's phone number at the time was 206/854-1667 and John's phone number at that time was 360/340-4740. Schneider and John also communicated through email. Schneider's email is

Hannah.willmsen@gmail.com and John's email is jamesk985@yahoo.com.

In April of 2018, Schneider reported that Kivlin assaulted her. As a result, criminal assault charges were filed against Kivlin. Additionally, Schneider obtained a protection order under King County Superior Court no.18-2-11109-9 KNT, which listed Schneider as the Petitioner and John as the Respondent. That DV protection order was signed by the Hon. Brad Moore on May 1, 2018, and was extended to August 15, 2018, by the Hon. Mark Hillman on June 15, 2018.

In mid-August, 2018, Schneider reported to law enforcement that she'd received thirteen text messages from Kivlin on Friday, August 10, 2018, starting at 1715 hours and ending at 1956 hours. Schneider said the messages came from phone number 360/860-0252 and were sent to Schneider's phone number of 425/395-6462.

Schneider provided screen shots of the text messages. The messages state the following, with her replies in parentheses — “I can’t stop thinking about you. Are you willing to meet me?” (“Who is this?”) “You know who it is.” (“I don’t”) “I’m taking a big leap of faith telling you, but as I see it I’ve got nothing left to lose. It’s John.” (“Stop texting me”) “Please meet with me. I meant what I said last time that I have to tell you a couple of things. After that I’ll leave you alone unless you don’t want me to.” “I can come to Seattle”. “Can you meet me here? Oxbow Park 6430 Carson Ave S, Seattle, WA 98134” “I know I shouldn’t contact you but I need to see you. I’m packing up my house for sale next week, my divorce is pending, and I’ve lost my job. I know I don’t deserve your compassion, but I’m asking for it because of what we had.” “Please” “I’m selling my house, so cleaning all morning tomorrow and the new owners are doing a walk through at 4. So any time after 5 I can meet you if you want.” “I waited at the park for almost an hour last night, then I drove by your house to see if you were home but your car wasn’t there.” “I’ll drive to you. We can meet here Lake Sammamish State Park 2000 NW Sammamish RD, Issaquah, WA 98027, (425) 649-4275” “I can be there by 7:30. Please. I really need to see you. I’m sorry for all the crap I’ve put you through. Just give me a chance to tell you in person. Just 5 mins and I’ll leave you alone forever.” “You’re not coming are you? I really just need a few minutes then I’ll leave you alone.”

Schneider called Issaquah Police and filed a report under Issaquah case number 18-09943. Law enforcement confirmed the originating number that appeared to have sent the text messages, (360) 860-0252, belonged to Kivlin. Issaquah Detective Barbin also called me and informed me that he actually called the number and spoke to the male who answered the phone, who identified himself as John Kivlin. Barbin stated that he recognized the voice and it did belong to John.

Schneider confirmed that the text messages came to her cell phone (425) 395-6462.

Schneider also forwarded me several emails that she alleges she received from Kivlin. The emails went to another email account belonging to Schneider, Idunns@live.com and were from jamesk985@yahoo.com.

On August 14, 2018, Schneider alleged that Kivlin sent her the following emails—

At 0026 hours, "You still have my heart. I'm so sorry I messed up and that I lost you in the process. I freaked out and ended up screwing you over, and not in a good way. I'm so sorry for everything I've put you through the last few months and I understand if you never want to see me again, but I need you in my life and I never stopped loving you. I don't blame you for anything that's happened. If anything I blame myself. You're the best thing that's ever happened to me and I wish there was some way to make you believe that we can still make it work. I need to see one last time. I need to hug you goodbye properly. That is if it is goodbye and I can't talk you into trying again? Everyone hates me. My family hates me and I live in a crappy apartment with no real future. I'm begging you. Please meet with me one last time. I need closure and I think you do too. I know you don't have any reason to believe me but you once loved me and I don't believe that love could just go away. All I'm asking for is a moment of your time. I think you owe me that. You owe it to us for what we once shared. You hold all the power now. Isn't there any way we can start over? **If you can just tell the prosecutor's office that it was all a misunderstanding, everything would go away and we can be together like we were meant to be.** Come see me one last time. Please. I didn't mean to hit send. You have every reason to hate me but if there's just a tiny part of you that remembers the love you had for me I believe we have a chance. I've been thinking a lot lately. You can go ahead and laugh now. But the two braincells have done something that at least resembles thought, and even if I'm not capable of thinking I know what I feel in my heart. I need you. If you can't get away to see me tomorrow maybe you can wait for me after court on Wednesday? If you tell me before Wednesday I can make arrangements to make that happen.

Yours forever, John"

At 0355 hours, "Since I haven't heard back from you I guess you're sleeping. Why won't you meet with me? I'm not mad at you. I'm not going to do anything to you I just want to talk. When you asked me to meet up and talk with you, I did. I know a lot has happened since then but I don't blame you for any of it. I'm sorry I hurt you but I was scared shitless. I was too scared to keep my promise to you. I thought being with you would make me lose my kids. Now it doesn't matter because everything is messed up anyway. All I'm asking is that you meet me one last time. I promise I won't bug you again after that. I can meet you tomorrow and I will even come to you if it makes it easier. Let me know as soon as you can so I can plan for it. If you can't meet me tomorrow I guess I'll see you on Wednesday.

John”

These text messages put Kivlin in the area of Oxbow Park in Seattle and later Lake Sammamish State Park in Sammamish on August 10, 2018.

On August 14, 2018, as a result of the perceived violations, Kivlin was arrested and booked into jail. Kivlin maintained his innocence. John signed a Consent to Search and requested detectives to enter his residence and obtain some clothing (he was arrested wearing only shorts) and his cellular phone. The cellular phone is an Apple iPhone with a taped note on the back with “John Kivlin” “360-860-0252”. The phone was subsequently confiscated and placed into evidence.

A later forensic examination of Kivlin’s phone was conducted with the goal of extracting forensic evidence relating to the text messages that Schneider reported she’d received from Kivlin. However, investigators found no trace of any messages sent from Kivlin’s phone to Schneider on the dates and times that Schneider reported. Instead, investigators found email messages and text messages during the same period between Kivlin and “Cynthia Stelter”, a woman who initiated contact with Kivlin apparently as a result of an ad he’d placed on “adultfriendfinder.com”.

The email address for Kivlin is jamesk985@yahoo.com and the email address for “Cynthia” is cynthia.stelter@yahoo.com. The communication between Kivlin and “Cynthia” at first was only through email since Kivlin stated that he was “a little gun shy”. Eventually, “Cynthia” convinced Kivlin to text her. The number that Kivlin texted from was 360/860-0252 and the phone numbers associated with “Cynthia” was 360/340-9940. The phone number associated with Schneider is 425/395-6462.

In those messages, “Cynthia” and Kivlin discussed getting together for what appears to be a sexual encounter. “Cynthia” directed Kivlin to meet her at several locations, including Oxbow Park in Seattle and Lake Sammamish State Park in Sammamish. In the end, from the messages it does not appear that any meeting between “Cynthia” and Kivlin took place.

One of the messages from Kivlin to “Cynthia” is identical to one that Ms. Schneider claimed she received from Kivlin and provided to investigators: “I’m selling my house, so cleaning all morning tomorrow and the new owners are doing a walk

through at 4. So any time after 5 I can meet you if you want." Also the mention of Oxbow Park in Seattle and Lake Sammamish Park.

Ms. Schneider did not provide investigator's with her device; investigators only had screen shots of the text messages allegedly received by Ms. Schneider. Additional facts surfaced in this and other investigations that severely called into question the credibility of Ms. Schneider. These facts include that on two occasions in 2008 and 2009, Ms. Schneider reported to authorities that she'd been the victim of rape. She later admitted that in both instances the allegations were fabrications.

The King County Prosecutor's Office later dismissed the charges against Kivlin for the Mid-August violations described above and he was released from jail.

Investigators obtained a search warrant for Schneider's phone records to determine if Kivlin had sent Schneider any text messages. A search warrant was also obtained for Kivlin's email records to determine if Kivlin had sent any emails to Schneider. The date range for both warrants was August 9, 2018 through August 15, 2018.

Investigators found no evidence in Schneider's phone records to support the claim that Kivlin sent any of the suspected text messages. The only time Kivlin's phone number shows up on Schneider's phone is when Schneider initiated phone contact with Kivlin on August 15, 2018 at 0439 hours.

Similarly, there is no evidence in Kivlin's email account records to support the claim that Kivlin emailed Schneider at any time from August 9, 2018 through August 15, 2018. There are email exchanges between Kivlin and "Cynthia" and Kivlin and a person using the email amgamg1971@yahoo.com. The person using the email amgamg1971@yahoo.com and Kivlin appear to be in a dating relationship.

On December 17, 2018, I submitted an application for a search warrant for Schneider's email records involving the email account for idunns@live.com. That application was approved by King County Superior Court Judge Kristin Richardson and a warrant issued. The records were sent to KCSO Forensic Det. Thein Do. Det. Do located four emails that appeared to originate from Jamesk985@yahoo.com and were sent to idunns@live.com. They were dated August 14, 2018 at 0355hrs, 0351hrs, 0054hrs and 0026hrs. Two of the four emails were identical to the ones sent by Schneider to Det.

Marsalisi. Through his experience and training as a Certified Forensic Computer Examiner, Det. DO knows that emails have meta-data associated with them called email headers. The headers contain information on the pathway through email servers for the email to reach its final destination. Email headers also typically contain the IP address from where the email originated from when it started its route to the end recipient. In reading the email header on the email that appeared to originate from Jamesk985@yahoo.com and was sent to idunns@live.com sent on August 14, 2018 at 0355, it revealed that the email actually came from an IP address that Det. Do found to be the host for "emkei.cz". Emkei.CZ is based in Czechoslovakia. Det. Do navigated to the website of Emkei.CZ and recognize the web page as an interface to send "spoof" emails. Spoofing emails is a practice described as deceptively sending an email; it allows the sender to manipulate the sender's return address. It is designed to misidentify your email address to your intended recipient.

Det. DO confirmed that the three other emails that appeared to be from Jamesk985@yahoo.com and sent to idunns@live.com actually originated at the IP address associated with the email spoofing service.

Under the penalty of perjury under the Laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 18th day of December, 2018, at King County, Washington.



Detective Christy Marsalisi/64668/KCSO